THE HON'BLE SRI JUSTICE B.PRAKASH RAO

AND

THE HON'BLE SRI JUSTICE M.VENKATESWARA REDDY

WRIT PETITION NOS.3973, 3974 & 4024 OF 2007

W.P.NO.3973 OF 2007:

Between

M/s.Matru Sri Co-operative House Building Society Ltd., rep. By its President Mr.P.Nageswar Rao, S/o.Narasimha Rao, 46 years, R/o.Plot No.22, Vivekananda Nagar Colony extension, Kukatpally, Hyderabad

….Petitioner

and

1) The Special Court constituted under A,.P.Land Grabbing (Prohibition) Act, 1982, B.R.K.R.Buildings, Hyderabad.
2) The State of Andhra Pradesh, represented by its Special Grade Deputy Collector & R.D.O.Chevalla Division, Serilingampally Mandal, R.R.District.

…….Respondents.

W.P.NO.3974 OF 2007:

1) Sri Sirdi Sai Developers, represented by its Director Mr.V.Jaawaharlal, S/o.V.Satyanarayana, 47 years, R/o.Shop No.3, I.K.Bhavan, ROl RBR Towers, Miyapur, Hyderabad.

…Petitioner

and

1) The Special Court constituted under A.P.Land Grabbing (Prohibition) Act, 1982, B.R.K.R.Buildings, Hyderabad.
2) The State of Andhra Pradesh, represented by its Special Grade Deputy Collector & R.D.O., Chevella Division, Serilingampally Mandal, R.R.District.
3) Nandi Cooperative House Building Society Ltd., represented by its President Venkatesham, R/o. 1-5-495/6, Bakaram, Hyderabad

…Respondents.

W.P.NO.4024 OF 2007:

1) MR.Y.C.Reddy, S/o.late Y.Rayappa Reddy, 52 years, R/o.H.No.841, Vivekananda Nagar Colony, Kukatpally,

Hyderabad

……..Petitioner

and

1) The Special Court constituted under A.P.Land Grabbing (Prohibition) Act, 1982, B.R.K.R.Buildings, Hyderabad.
2) The State of Andhra Pradesh, represented by its Special Grade Deputy Collector & R.D.O., Chevella Division, Serilingampally Mandal, R.R.District.
3) Nandi Cooperative House Building Society Ltd., represented by its President Venkatesham, R/o. 1-5-495/6, Bakaram, Hyderabad

…Respondents.

O R D E R: (PER BPR.J)

Since all these writ petitions arise out of the common proceedings, they are being taken up together for disposal, at the instance of both the learned counsel.

Heard Sri M.V.Suresh Kumar, learned counsel for the petitioner-M/s.Matru Sri Co-Operative House Building Society and also the learned Government Pleader for Assignment.

The petitioner herein seek to assail the orders passed by the Special Court under Andhra Pradesh Land Grabbing (Prohibition) Act, Hyderabad, in L.G.C.No.29 of 2006, where under the petitioner was declared as land grabber. Pending main case, the respondents herein filed an application seeking temporary injunction restraining the petitioner not to change the nature of the land or make any constructions on the land.

Initially, the Special Court granted orders of *status quo* and the same was modified to the effect that the petitioner shall not interfere with the respondents' right to make constructions as per the plans

already approved and the constructions, if any, already made shall not be demolished. Hence, these writ petitions have been filed.

On hearing both the learned counsel and perusing the material placed before this Court, it is an un-disputed fact that the petitioner-Society got the land divided into 1040 plots and registered the same in favour of the members of the Society and most of them are making constructions in the said plots.

After hearing both sides, the Special Court has specifically held to the effect that the respondent and its predecessors-in-title have been in possession for a long time i.e., more than 60 years and the development activities are going on ever since then. It is also not in dispute that number of buildings have been constructed in the portions of the land in question. Lay-outs applied for have been sanctioned. The Cinema theater is functioning as on today. The contentions regarding title, interpretation of entries made in the revenue records, etc., have to be considered and decided after full-fledged trial in the case by giving opportunity to both parties and the same cannot be decided at this stage. However, before concluding, it was also observed that the respondent-Government has acquiesced in allowing the development activity in the land in question by granting permissions, licences, approval to the layouts, etc. The Court below modified the interim order to the effect that the said constructions are permitted only in respect of the plans, which are already approved, but

no further construction shall be made in respect of other plots. During the course of arguments, the learned counsel on either side pointed out that some of the members have challenged the said order of the Special court in W.P.Nos.2443 and 23351 of 2006. The said writ petitions were allowed by this Court vide orders 07.12.2006, permitting the petitioners therein to come on record.

Taking into consideration the submissions made on either side and on perusing the material, we are of the view that total finding is against respondents on the aspect of *prima facie* and balance of convenience. The Special Court ought not to have shown any distinction between the owners who have obtained lay-outs and those who did not. It is needless to mention that the alienations if any, are always subject to the result of the L.G.C.

In view of the circumstances, the writ petitions are allowed. The order of the court below is set aside and the application in I.A.No.446 of 2006 filed by the respondents stands dismissed. However, the Special Court shall dispose of L.G.C.No.29 of 2006 as expeditiously as possible, preferably within a period of three months, after giving due notice to the parties. No order as to costs.

B.PRAKASH RAO J.,

M.VENKATESWARA REDDY J.,

Dt.02.03.2007